

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

ORDER

S.B.CRIMINAL MISC. PETITION NO. 223/2005

(Teja & Others Vs. State of Rajasthan & Anr.)

Date of Order : 18/07/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Pradeep Shah for the petitioners.

Mr. Ashok Upadhyay, public prosecutor for the State.

BY THE COURT:-

Heard learned counsel for the petitioners and public prosecutor for the State.

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioners have assailed the order dated 12.3.2004 passed by Additional Chief Judicial Magistrate, Salumber, district Udaipur (for short 'the trial court' hereinafter) in Criminal Case No. 107/2004 taking cognizance of the offence and issuing process.

I have carefully gone through the order passed by the trial court as well as by the revisional court dated 15.2.2005.

It cannot be said that the order taking cognizance

would result in serious miscarriage of justice or abuse of process of any Court.

At this stage, learned counsel for the petitioners submits that instead of summoning the petitioners by non-bailable warrant, the petitioners will appear before the trial court and move a regular bail on 21.8.2006.

The petition is dismissed. Stay petition also stands dismissed. However, the petitioners shall now appear before the trial court on 21.8.2006 and move a regular bail. If the petitioners appear before the trial court and move a regular bail application, the trial court shall decide the same on the same day in accordance with law.

Till 20.8.2006, the non-bailable warrant issued against the petitioners shall not be executed. However, it is made clear that if the petitioners fail to appear before the trial court on 21.8.2006, it will be open for the trial court to secure the presence of the petitioners by non-bailable warrant.

(H.R.PANWAR),J.